



The British Columbia Gazette.

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PROVINCIAL SECRETARY'S OFFICE,
9th July, 1892.

HIS HONOUR the Lieutenant-Governor in Council has been pleased, under the provisions of the "Health Act," to appoint JOHN CHAPMAN DAVIE, Esquire, M. D., of the City of Victoria, to be Health Officer for the Province.

[L.S.]

HUGH NELSON.

REGULATIONS ISSUED BY HIS HONOUR THE LIEUTENANT-GOVERNOR IN COUNCIL TO PREVENT THE SPREAD OF SMALL-POX.

THEODORE DAVIE, } WHEREAS by virtue of the "Health Act" the respective Corporations Attorney-General. } of the Cities of Victoria, Vancouver, New Westminster and Nanaimo are created Local Boards of Health within their respective limits and jurisdiction, and by the same Act it is provided that the Lieutenant-Governor in Council may from time to time define the duties, functions, and powers of Local Boards of Health in anywise relating to endemic or contagious diseases or disorders, and may make rules and orders for the inspection of dwelling houses, curtilages, hospitals, gaols, and other places, and generally for the regulation of all matters and things whatsoever in relation to or in connection with sanitary matters, including the infliction of fines and penalties for the enforcement of any such rules and regulations :

And whereas in view of danger of an invasion by small-pox the Lieutenant-Governor in Council has, pursuant to section 5 of the said Act, been pleased by Order in Council, dated the 9th July, 1892, to appoint a Health Officer for the Province, and it is advisable to make rules and regulations under the said Act :

Therefore His Honour the Lieutenant-Governor has, by and with the advice of his Executive Council, been pleased to order, and it is hereby ordered, as follows :—

1. It shall be the duty of each of the Corporations of the Cities of Victoria, Vancouver, New Westminster, and Nanaimo to appoint a duly qualified medical practitioner to be designated and to act as Municipal Health Officer for the Corporation, whose duty it shall be to co-operate with the Provincial Health Officer in arresting the spread of small-pox and, in his absence, to act in his stead; and it shall also be the duty of such Corporations to detail such number of policemen, and to appoint such other persons as may be required by the Provincial Health Officer, or the Municipal Health Officer, for such duties from time to time as may be indicated by such Health Officers, or either of them, and in the event of the Local Board of Health neglecting to make any required appointment, the Provincial Health Officer or, in his absence, the Municipal Health Officer, may make such appointments. Where in either of the said cities a Health Officer has before the date of these rules been appointed by the Local Board, such Health Officer shall be the Municipal Health Officer during the will of the Local Board without further appointment.

2. When small-pox breaks out, or in cases where it has broken out, in either of the said cities the Local Board of Health, if not already provided, shall immediately, at the cost of the Municipality, provide such temporary hospitals, hospital tents, or other place, or places of reception for the sick and infected as they shall judge best for their accommodation and the safety of the inhabitants.

3. On the occurrence of the first or any case of small-pox, the Municipal Health Officer shall at once remove the person attacked to the hospital, tent, or other place provided under the preceding rule, or shall cause such person to be otherwise efficiently isolated, and shall take proper measures for the disinfection, or, if necessary, the destruction of all clothing, which

may have been exposed to contagion, and for the disinfection and purification of every conveyance, rail, or tramcar, steamboat, sailing vessel, carriage, or other vehicle which may have been exposed to contagion.

4. The Municipal Health Officer shall further place, in another building or tent which shall be provided by the Local Board of Health, all persons (other than the nurses and necessary attendants upon the infected persons) who may have been exposed to the contagion, and shall supply them with all necessaries until the period of incubation of the disease shall have elapsed, and no such person shall go, or be permitted to go, abroad until he has given satisfactory proof of successful vaccination within the preceding seven years, or shall have obtained a medical certificate of insusceptibility to the vaccine disease, nor until the clothing or effects worn or carried by him have been properly disinfected, if the same have been exposed to contagion.

5. Whenever an infected person shall, under the provisions of Rule 3, be isolated in a house or place other than the general hospital, tent, or place provided by the Local Board, under Rule 2, it shall be incumbent on the Municipal Health Officer to appoint and employ a proper person or persons, to keep constant watch over the house or place where such infected person shall be kept, and not to permit ingress or egress to or from such house or place, except to a duly qualified medical man attendant upon such infected person (or to a clergyman under regulations to be made by the Municipal Health Officer), or other person, by the permission of the Municipal Health Officer, and any person accepting the duty of watchman under this rule, who shall depart from his duty as watchman, or shall neglect his duty, or who shall permit of ingress or egress to or from the affected premises, or any communication therewith contrary to this rule, or who shall disobey, or fail to observe any direction of the Municipal Health Officer relative to the duties of such watchman, shall incur a penalty of fifty dollars, to be recovered upon summary conviction, or in default of payment, to three months imprisonment with or without hard labour.

6. Any person who shall, contrary to the preceding rule, depart from or enter any such hospital, tent, or place, as is mentioned in Rule 2, wherein there shall be any person infected with small-pox, or who shall carry or remove, or permit to be carried or removed, any article or thing from such hospital, tent, or place, shall be subject, on summary conviction, to a penalty of one hundred dollars, or to six months imprisonment, with or without hard labour.

7. When any vessel coming from an infected locality enters any port the Municipal Health Officer shall make or cause to be made a strict inspection of the vessel and examination of the passengers, officers, and crew, before any person, luggage, or freight, or other thing is landed, or allowed to be landed from it, and where any infected or exposed person is found on board, he shall be dealt with in the manner directed in Rule 3, and no luggage, freight, or other thing shall be landed from the vessel until they shall have been thoroughly disinfected.

8. No vessel shall be permitted to depart from the harbours of the said cities until an inspection shall have been had in manner provided by the preceding rule, and removal of any person who shall be found to be infected.

9. The Provincial Health Officer, or in his absence the Municipal Health Officer, may appoint Medical Inspectors, who shall perform such duties as shall be assigned to them by the Provincial Health Officer, and may board all trains and vessels arriving within the limits of the respective jurisdictions for which they are appointed; and every such Inspector may take, in respect of any person's baggage, freight, or effects arriving by any train or vessel, any sanitary precautions authorized by the Provincial Health Officer, which, in the opinion of such Inspector, are necessary or expedient for guarding against the further introduction of small-pox into British Columbia. The Inspector may require any person travelling on any such train or vessel, either to produce for examination by the Inspector a medical certificate of such person having been vaccinated, within the preceding seven years, or not being susceptible to the vaccine disease, or to exhibit to such Inspector the marks on his person of successful vaccination, such as to satisfy the Inspector that the same has been performed within seven years, and on default the Inspector is hereby empowered to vaccinate such person, or cause him to be vaccinated, either before he is permitted to leave the train or vessel, or immediately thereafter, at his discretion; and each person so travelling shall answer truthfully all reasonable questions which an Inspector shall, in the performance of his duty, ask such person with reference to the places such person has been at, and his stay there, during the fourteen days next preceding such inquiry being made; and in case such person refuses to answer, or does not satisfy the Inspector by his answers, the Inspector shall be justified in presuming that such person has been within such time exposed to infection, and shall act accordingly.

10. Health Officers and Medical Inspectors, as the case may be, shall, in respect of the duties herein mentioned, be governed by the following rules:—

(1.) An Inspector shall attend at the railway station or steamboat wharf a reasonable time prior to the departure of every boat or train going out, and shall, whenever he deems it expedient, take passage on such boat or train:

(2.) If the Inspector believes that any such person is infected, or that his or her clothing or other effects contain infection, the Inspector shall detain such person and his or her clothing and effects aforesaid, at some convenient point *en route*, until the period of incubation is over, and the clothing and other effects shall be at once disinfected:

(3.) If the Medical Inspector only suspects that any person on board, or the effects of any such person have been exposed to infection, the Medical Inspector shall notify the Municipal Health Officer of the locality to which the person is going, or other the proper authority, to meet the train or boat, and to keep the said person thereafter under observation:

(4.) In either of the cases mentioned in the two next preceding rules, unless the person believed to be conveying, or suspected of conveying contagion, shows satisfactory proof of vaccination within seven years, or of insusceptibility to the vaccine disease, he shall be forthwith vaccinated; and, if necessary, shall be detained until vaccinated:

(5.) The action to be taken in the event of a case of small-pox being discovered is shortly as follows :—(a.) Detention and isolation of persons affected ; (b.) Fumigation of car or boat ; (c.) Vaccination of all persons who have been exposed to the contagion ; (d.) Detention of any person who refuses to be vaccinated ; (e.) Notification of Local Health Officers at places of destination.

11. Any person wilfully making any misstatement to any Provincial Health Officer, Municipal Health Officer or Inspector, in any matter relating to the efforts of any such officer or Inspector to prevent the introduction or spread of small-pox, shall be subject, upon summary conviction, to a fine of fifty dollars, or in default of payment to imprisonment for one month, with or without hard labour.

12. Either the Provincial Health Officer, or any Municipal Health Officer, may himself act as an Inspector under these rules, and the Provincial Health Officer shall have all the powers of a Municipal Health Officer.

13. The Local Board of Health of each of the said Cities of Victoria, Vancouver, New Westminster, and Nanaimo shall each contract with some legally qualified practitioner or practitioners for the period of one year, and so from year to year as such contract expires, for the vaccination, at the expense of the municipality, of all poor persons, and at their own expense of all other persons resident in the city who come to such medical practitioner or practitioners for that purpose.

(2.) It shall be a condition of every such contract that the amount of the remuneration to be received under the same shall depend on the number of persons who, not having been previously successfully vaccinated, are successfully vaccinated by such medical practitioner or practitioners, respectively, so contracting.

14. It shall be incumbent upon the Local Board to arrange suitable times and places for vaccination, and to give public notice thereof.

15. The father or mother of every child born in either of the said cities shall, at some appointed time within three months after the birth of such child, or in the event of the death, illness, absence, or inability of the father and mother, then the person who has the care, nurture, or custody of the child shall, at some appointed time within four months after the birth of the child, cause the child to be taken to some medical practitioner appointed under the preceding sections of these Rules, at an appointed time and place, for the purpose of being vaccinated, and then and there shall permit the child to be vaccinated, unless the child has been previously vaccinated by some legally qualified medical practitioner, and the vaccination duly certified ; and the medical practitioner so appointed shall, and he is hereby required thereupon to vaccinate the child, or to do so as soon afterwards as it can conveniently and properly be done.

(2.) This Rule and Rules 16 and 17 shall also apply to all children over the age of three months becoming resident in either of the said cities, and such children shall, for the purposes of these rules, be considered as children born in the city at the date that they became resident within it.

16. Upon the eighth day following the day on which any child has been vaccinated as aforesaid, the father or mother, or other person having the care, nurture, or custody of the child as aforesaid, shall again take, or cause the child to be taken, to the medical practitioner by whom the operation was performed, or other similarly appointed medical practitioner in attendance as aforesaid, in order that the medical practitioner may ascertain by inspection the result of the operation.

17. Upon and immediately after the successful vaccination of a child born in either of the said cities, the medical practitioner who performed the operation shall deliver to the father or mother, or other person as aforesaid, a certificate under his hand, according to the form of Schedule A to these rules, that the child has been successfully vaccinated, and shall also transmit a duplicate of the said certificate to the Clerk of the city wherein the operation was performed.

18. If any medical practitioner appointed as aforesaid is of opinion that a child brought to him as aforesaid is not in a fit and proper state to be successfully vaccinated, he shall deliver to the father or mother of the child, or other person having its custody, on demand, and without fee or reward, a certificate under his hand, according to the form of Schedule B to these Rules, that the child is in an unfit state for successful vaccination.

19. Such certificate, or any similar certificate of a legally qualified medical practitioner, respecting any child born as aforesaid, shall remain in force for two months from its delivery ; and the father or mother of the child, or the person having the care, nurture, or custody of the child as aforesaid, shall (unless they have, within each succeeding period of two months, obtained from a legally qualified medical practitioner a renewal of such certificate), within two months after the delivery of the said certificate as aforesaid, and if the child is not vaccinated at or by the termination of such period of two months, then during each succeeding period of two months until the child has been successfully vaccinated, take or cause to be taken to the medical practitioner so appointed as aforesaid such child to be vaccinated by him ; and if the said medical practitioner deems the child to be then in a fit and proper state for such successful vaccination, he shall forthwith vaccinate it accordingly, and shall, upon or immediately after the successful vaccination of the child, deliver to the father or mother of the child, or the person having the care, nurture, or custody of the child as aforesaid, a certificate under his hand, according to the form of Schedule A to these Rules, that the child has been successfully vaccinated ; but if the medical practitioner is of opinion that the said child is still in an unfit state for successful vaccination, then he shall again deliver to the father or mother of the child, or to the person having the care, nurture, or custody of the child as aforesaid, a certificate under his hand, according to the form of Schedule B to these Rules, that the child is still in an unfit state for successful vaccination, and the said medical

practitioner, so long as the child remains in an unfit state for vaccination and unvaccinated, shall, at the expiration of every succeeding period of two months, deliver, if required, to the father or mother of the child, or to the person having the care, nurture, or custody of the child, a fresh certificate under his hand, according to the form of Schedule B to these Rules.

20. The production of such certificate, or of any similar certificate, from any legally qualified medical practitioner, shall be a sufficient defence against any complaint brought against the father or mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of these Rules.

21. In the event of a medical practitioner employed under the provisions of these Rules, or any other duly qualified medical practitioner, being of opinion that any child as aforesaid that has been vaccinated by him is insusceptible of the vaccine disease, he shall deliver to the father or mother of the child, or to the person having as aforesaid the care, nurture or custody of the child, a certificate under his hand, according to the form of Schedule C to these Rules; and the production of the certificate shall be a sufficient defence against any complaint which may be brought against the father or mother, or person having the care, nurture or custody of the child, for non-compliance with the provisions of these Rules.

22. If a father or mother, or person so having as aforesaid the care, nurture, or custody of any child as aforesaid, does not cause the child to be vaccinated within the periods prescribed by these Rules, or does not on the eighth day after the vaccination has been performed take, or cause to be taken, the child for inspection, according to the provisions in these Rules respectively contained, then the father or mother, or person having the care, nurture, or custody of the child as aforesaid, so offending, shall be liable to a penalty not exceeding five dollars, recoverable on summary conviction before a Police Magistrate or any two Justices of the Peace sitting and having jurisdiction in the municipality in which the offence was committed.

23. The production of a certificate in the form of Schedule A or C, under the hand of a legally qualified medical practitioner, shall be a sufficient defence against any such complaint; but the production of a certificate in the form of Schedule B shall not be a sufficient defence, unless the vaccination is thereby postponed to a day subsequent to that on which the complaint is brought.

24. Every person resident in either of the said Cities at the time of the coming into force of these rules of the age of fourteen years or upwards, and who has not been successfully vaccinated (the proof by marks upon the body or otherwise whereof shall lie upon the person alleging himself to have been so vaccinated) within seven years shall within two months from the passage of these rules present himself or herself for vaccination to a medical practitioner appointed under these rules, and every father or head of a family resident in the Municipality, and every schoolmaster or person keeping a school within the City, and every other person having the care and charge of children and young persons, shall cause all persons under the care of any such head of a family, schoolmaster, or other person who have not been successfully vaccinated, as provided by these rules, to be brought within two months from the passage of these rules, or sooner if so required by the Provincial Health Officer, or a Municipal Health Officer, or an Inspector appointed under these rules, for the purpose of vaccination to a medical practitioner appointed under these rules.

25. The Provincial Health Officer, or in his absence the Municipal Health Officer, shall have power to order any public meeting or gathering of more than six persons in any of the said Cities forthwith to disband, or may prohibit any proposed assemblage, picnic or excursion.

26. Any persons theretofore assembled at any meeting or gathering continuing together to the number of six after any order or direction has been given to disband pursuant to the preceding section shall be subject to arrest without warrant or process by any constable or peace officer, and every such person shall be liable, upon summary conviction, to a fine of one hundred dollars, or to imprisonment, with or without hard labour, for any term not exceeding six months.

27. All expenses incurred by any Provincial Health Officer, or Municipal Health Officer, or Inspector, and within the scope of his duties, shall be borne and paid by the City where such expenses are incurred, but nothing herein contained shall impose upon any City the obligation to pay the salary of the Provincial Health Officer.

And whereas by the said "Health Act" it is also, among other things, provided that the Council of every Municipality shall be the Local Board of Health for such Municipality, and that it shall be lawful for the Lieutenant-Governor, by writing under his hand, to appoint such and so many persons as he may think fit to form a Local Board for any place in the Province not being a Municipality.

28. Therefore it is hereby ordered that in each district of the Province not being a Municipality the Government Agent for the time being in charge of such district shall be the Local Board for such district, and shall have, within and for his jurisdiction, in the absence of the Provincial Health Officer, all the powers vested by law, whether under these rules or otherwise, in the Provincial Health Officer.

29. The Local Boards, other than those of the Cities of Victoria, Vancouver, New Westminster, and Nanaimo, shall in regard to the cases of small-pox arising within their respective jurisdictions follow, as nearly as may be, the rules and regulations hereby enacted and made applicable to the said Cities of Victoria, Vancouver, New Westminster, and Nanaimo, and these rules, *mutatis mutandis*, shall apply to the Municipalities throughout the Province other than the Cities aforesaid.

30. The Provincial Health Officer may from time to time adopt such regulations, and make such orders, and give such directions regarding small-pox in places outside of the said Cities as he may see fit, and any such regulations, orders and directions shall be carried out by the Local Boards respectively.

31. The trustees, governors, directors or other officers or persons having at any time the control and management of any hospital or dispensary receiving aid from the public funds of this Province, shall keep at all times in such hospital or dispensary an adequate supply of vaccine matter for the following purposes, viz:—

First.—For the vaccination, by a legally qualified medical practitioner attached to such hospital or dispensary, at the expense of the same, of all poor persons, and at their own expense of all other persons, who attend at such hospital or dispensary for that purpose, during one day in every week; the fee to be charged for such vaccination not in any case to exceed fifty cents, and to be used and applied for the benefit of the hospital or dispensary:

Second.—For the purpose of furnishing, on application, to each and every legally qualified medical practitioner, such reasonable quantities of the said matter as he from time to time requires:

Third.—For the purpose of furnishing, on application, to the Indian Agent, or his assistant, such reasonable quantities of the said matter as he may from time to time require for the use and benefit of any settlement of Indians.

32. Any Local Board of Health may, subject to the approval of the Lieutenant-Governor in Council, may issue regulations for taking possession of any land, or any unoccupied building thereon, for any of the purposes mentioned in these Rules; but such regulations shall not authorize the taking or obtaining for the hospital of any Municipality any land or buildings outside the limits of such Municipality.

33. In case of actual or apprehended emergency such possession may be taken without a prior agreement with the owner of the land or building, and without his consent, and may be retained for such period as may appear to the Board to be necessary.

34. Where possession is taken without the consent of the owner, the Board shall, within five days thereafter, give notice thereof to the owner. In the event of the owner not being known, or not being resident within the Province, or of his residence therein being unknown to the Board, such Board shall cause the notice to be published for two insertions in some local newspaper having a circulation within the municipality wherein the property is situate, and shall mail to the last known address (if any) of the owner a copy of the notice in a registered letter prepaid, and such publication shall be sufficient notice to the owner.

35. The owner of any land or building shall be entitled to compensation for the use and occupation thereof, including any damages arising from such use and occupation, such compensation to be agreed upon between the Board and the owner; and in case they do not agree, the Judge of the County Court of the County wherein the property is situate shall summarily determine the amount of the compensation, and the terms of payment, in such manner, and after giving such notices, if any, as he sees fit.

36. Where any resistance or forcible opposition is offered or apprehended to possession being taken of any land or building under these Rules, the Judge of the County Court may, without notice to any person, issue his warrant to the Sheriff of the County, or to any other person, as he may deem most suitable, requiring him to put the Board, their or his servants or agents, in possession, and to put down such resistance or opposition, which the Sheriff or Bailiff (taking with him sufficient assistance) shall accordingly do.

37. No land or building to be used as a hospital, or hospital tent, for the purposes of these Rules, shall be nearer than 150 yards to an inhabited dwelling.

38. It shall be lawful for the Trustees of any Public School or High School, to provide that no child shall be permitted to attend school without producing a certificate of successful vaccination, or that the child is insusceptible of vaccination.

39. Any person wilfully contravening any provision of these rules, or wilfully disobeying, or failing to obey any general or special regulation, direction or order of the Provincial Health Officer, or Municipal Health Officer, or Inspector, in relation to any of the powers and duties reposed in any such Provincial Health Officer, Municipal Health Officer or Inspector by law, or according to these rules, shall be subject forthwith to arrest and detention without warrant or process by any constable or peace officer, and shall also be liable, upon summary conviction (if no other penalty is herein provided), to a fine of fifty dollars, or to imprisonment not exceeding three months, with or without hard labour, or at the discretion of the convicting Magistrate to both fine and imprisonment, and any city constable or peace officer disobeying, or failing to obey, the lawful orders of the Provincial Health Officer, or the Municipal Health Officer, shall be subject to dismissal forthwith by the Provincial Health Officer, and thereafter during the term of office of the Provincial Health Officer the Corporation shall no longer employ any such constable or peace officer.

40. It shall be the duty of every medical practitioner who shall attend upon or know of any case of small-pox to forthwith give notice of the particulars of the case to the Board of Health or to the Provincial Health Officer or Municipal Health Officer, as the case may require; and every householder, knowing that a person within his house is infected with small-pox, shall likewise immediately give notice.

41. Nothing in these Rules shall be deemed to supersede any law, rule, or regulation heretofore promulgated by lawful authority, and not inconsistent with these Rules.

42. These Regulations may be cited as the "Provincial Health Rules, 1892."

Dated at Victoria, this 11th day of July, A.D. 1892.

By Command.

A. CAMPBELL REDDIE,

Deputy Provincial Secretary

SCHEDULE A.

CERTIFICATE OF VACCINATION.

I, the undersigned, hereby certify that , the child of
aged , of Ward, in the City of (or as
the case may be), has been successfully vaccinated by me
(Signed) A. B.

Dated this day of , 18 .

SCHEDULE B.

CERTIFICATE OF UNFITNESS FOR VACCINATION.

I, the undersigned, hereby certify that I am of opinion that , the child of , of
Ward, in the City of (or as the case may be), aged , is not
now in a fit and proper state to be successfully vaccinated, and I do hereby postpone the vaccination until the day of

(Signed), A.B.

Dated this day of , 189 .

SCHEDULE C.

CERTIFICATE OF INSUSCEPTIBILITY TO VACCINE DISEASE.

I, the undersigned, hereby certify that I am of opinion that , the child
of , of Ward, in the City of (or as the case may be), is
insusceptible of the vaccine disease.

(Signed) A. B.

Dated this day of , 18 .